IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 30.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No801/2001

The Chairman and Managing Director,
Tamil Nadu Housing Board,
331, Anna Salai, Nandanam,
Chennai-35. ... Appellant/2nd Respondent

Vs.

1.Vahuni Brick Works, rep. By
its Partner Loganayaki,
No.16, Lakshmi Talkies Road,
Aminjikarai, Chennai-30.

2.The State of Tamil Nadu,
rep. by the Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai-9. .. Respondents/Petitioner and
1st Respondent

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 25.08.1998 made in W.P.No.15289 of 1989.

W.P.No.15289 of 1989: Petition presented to this Court under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the records relating to the passing of Lr.No.34781/A2/89-1, dated 18.10.1989 from the 1st Respondent and quash the said proceedings in Lr.No.34781/A2/89-1 dated 18.10.1989.

For Appellant : Mr.S.Kasikumar

For 1st Respondent : Mr.R.S.Jeevarathinam

``

For 2nd respondent : Mrs.D.Geetha,
Addl. Government Pleader

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the order of the learned single Judge dated 25.08.1998 made in W.P.No.15289 of 1989, the Chairman and Managing Director, Tamil Nadu Housing Board, Chennai, has filed the above writ appeal.

2. The first respondent herein, aggrieved by the letter No.34781/A2/89-1 dated 18.10.1989 of the Housing and Urban Development Department, Fort St. George, Madras-9, addressed to the Chairman and Managing Director, Tamil Nadu Housing Board, Madras-35, has filed W.P.No.15289 of 1989. The learned single Judge, by an order dated 25.08.1998, has allowed the writ petition and quashed the letter referred to above. Questioning the same, the Housing Board has filed the present appeal.

3. The learned counsel appearing for the appellant-Housing Board, after taking us through the order of the learned single Judge, has contended that the learned single Judge has committed an error in quashing the impugned letter and the reasons given by him cannot be accepted.

4. We have perused the reasoning of the learned single Judge. We have also verified the letter dated 18.10.1989 issued by the Housing and Urban Development Department to the Tamil Nadu Housing Board.

5. Mr.R.S.Jeevarathinam, learned counsel appearing for the first respondent herein/writ petitioner mainly contended that the order cancelling reconvey the lands in S.Nos.322/2A etc measuring 3.15 acres in Nolambur village, Saidapet Taluk, Chengai Anna District came to be passed without affording an opportunity to the writ petitioner. He also brought to our notice that this has been specifically stated in the affidavit vide ground No.1. Unfortunately, this aspect was not dealt with in the proper manner by the learned single Judge.

6. We are satisfied that the impugned letter dated 18.10.1989 is liable to be interfered with on the ground of violation of principles of natural justice. Accordingly, letter No.34781/A2/89-1 dated 18.10.1989 is quashed and the matter is remitted to the second respondent herein viz., Housing and Urban Development Department, Fort St. George, Madras-9, for passing fresh orders. The Government is directed to issue notice to the writ petitioner-first respondent herein and pass appropriate orders in accordance with law after affording opportunity to them as well as the Tamil Nadu Housing

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Board, Chennai-35. The said order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. The writ appeal as well as the writ petition are disposed of on the above directions. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
331, Anna Salai, Nandanam, Chennai-35

2.The Secretary,
State of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George,
Chennai-9.

1 cc to the Government Pleader, SR.39292
1 cc to Mr.K.Chelladurai, Advocate, SR.39140
1 cc to Mr.R.S.Jeevarathinam, Advocate, SR.39098

bv (co)

dv/6.9.06 W.A.No.801 of 2001

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/